

REMARKS

Applicant hereby responds to the final Office Action of February 9, 2007. Applicant wishes to thank the Examiner for carefully considering the application, and for the courtesy extended during the telephone interview on July 12, 2007.

Interview Summary

During the interview, Applicant proposed to amend the independent claims to clarify that the user interface of the claimed invention is webpage based and is dynamically generated for controlling devices in a network. Applicant also argued that the system taught by USPN 6,133,847 to Yang (hereinafter “Yang”) requires that the remote control accesses its own memory for cached, or pre-downloaded information from appliances, and thus the interface generated therein is not dynamic. By contrast, the user interface of the claimed invention accesses the current device information *after* a user selects a reference associated with a device from the user interface to dynamically generate a web page for controlling the selected device. This is achieved in the claimed invention by obtaining only information needed (e.g., the first set of device information) to build a user interface, for device selection and then access more information (e.g., the second set of device information) for a selected device to dynamically generate a web page for controlling the selected device. The Examiner suggested amending the claims to clarify that the application device information is not “downloaded” from the appliances.

Disposition of Claims

Claims 1, 4-14, 17-27, and 30-44 are pending in the above-referenced patent application. Claims 1, 14, 27, and 41 are independent. The remaining claims depend, directly or indirectly, from claims 1, 14, 27, and 41.

Claim Amendments

Claims 1, 4-14, 17-27, and 30-44 have been amended for clarification purposes and for correcting minor informalities. No new matter has been added by way of these amendments. Accordingly, entry and favorable consideration of the amendments are respectfully requested.

Double Patenting

Claims 1, 4-14, 17-27, and 30-44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8-15, 17-25, 27 and 28 of copending Application No. 09/592,599. By way of this reply, a terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted, rendering the rejection moot.

Rejections under 35 U.S.C. 102

Claims 1, 6-14, 19-27 and 32-44 were rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,133,847 to Yang (hereinafter “Yang”). The rejection is respectfully traversed because for at least the following reasons, Yang does not disclose the claimed invention.

The claimed invention is directed to a network including a user interface for controlling application devices in the network. Independent claims 1, 14, 27, and 41 each require, in part, that (i) the user interface and/or the control page is generated “dynamically;” and (ii) after the user interface is displayed on a “browser,” in response to selection of a reference associated with an application device from the user interface, directly “accessing” the selected application device including information stored therein. Thus, generating the user interface and utilizing the user interface in the claimed invention involves at least two steps and two sets of information: (a) one step involves generating the user interface and is based on a first set of information, *i.e.*, the “obtained information,” and (b) another step involves utilizing the user interface by using a reference therein to “access” a second set of information, *i.e.*, the “associated information” for the corresponding device.

As a result of the above-mentioned limitations, advantageously, whenever information of a device is changed in the network of the claimed invention, the user interface is dynamically changed in real time. For example, as shown in Fig. 6 of the present application, whenever the “Sony device” in the network is replaced with, say, a Samsung device, the top page is generated dynamically to display an icon for the Samsung device instead of the Sony device.

By contrast, Yang fails to disclose at least the above-mentioned claimed limitations, and does not enjoy the advantages of the claimed invention.

As the Examiner agrees, the remote control device 100 of Yang accesses the memory 120 in the remote control device 100 itself, not directly accessing the appliances. However, the instant Office Action (*see, e.g.*, page 11, lines 5 – lines 17) asserts, with respect to the claimed invention, that “the user interface must have a cache to store information of each device in order

to generate references with the device information in the device, ..., a user will not be able to direct access to the selected device without passing a storage device ...” Applicant respectfully disagrees with the instant Office Action’s interpretation of the claimed invention. Such limitations are not recited in the claims in the present application. Referring further to, *e.g.*, page 53, lines 5 – 6 of the present application as filed, in accordance with embodiments of the claimed invention, contrary to the assertions in the instant Office Action, the “browser 200 does *not* cache the ‘icon.htm’, ‘name.htm’ and ‘logo.htm’ files.”

By contrast, referring to Fig. 1 and the associated text of Yang, the system of Yang requires that essentially all the information, *i.e.*, the “programming software code,” from the appliances is downloaded to the memory 120 of the remote control device 100 *beforehand*. Unlike the claimed invention, there is no need for the remote control device 100 in Yang to further “access” the information in the appliances. In other words, in the system of Yang, *all* the information of the appliances is downloaded *beforehand* as a *single set* of information, and such a single set of information is *stored in the remote itself*. Specifically, in Yang when the remote 100 accesses the memory 120, the *same* set of information is accessed in the memory 120.

Thus, the “downloading” of information to the memory in Yang is not the same as the claimed “obtaining” information, the “accessing” memory of Yang is not the same as the claimed “accessing the associated information stored in the corresponding device,” and the downloaded information in Yang is not equivalent to the claimed “obtained information” or the claimed accessed “associated information.” As further clarified through the claim amendments, the claimed invention, as a result of the two-step procedure involving two sets of information, inherently requires that when using the reference to access the associated information for the

corresponding device, it is necessary to “communicate over the network.” Yang clearly fails to show or suggest also these limitations.

In the instant Office Action, the Examiner asserts that Yang discloses, in col. 8, lines 14-17, generating the purported user interface. Applicant respectfully disagrees. The part of Yang the Examiner has relied upon reads:

... The software could provide for a separate icon to be displayed in message display window 142 for each appliance that is available to be controlled.

However, *how* the “separate icon” could be “provided” needs to be interpreted in light of the disclosure of Yang. Referring to Fig. 4 for example, and the associated text in Yang, “program control data” must be first *downloaded* to the remote control (step 400). The downloaded “program control data” are *stored in memory* (step 405). The interface control signal is then received by the remote control device (step 410). Subsequently, the stored program control data can be accessed from the memory by utilizing the received interface control signal (step 415). The user interface needs to be further *configured* in step 420. Thus, it is clear that the purported top page in Yang is *not* “dynamically” generated as claimed. Rather, the configuration of the user interface in Yang must result from downloading and storing in memory the program control data, i.e., essentially *all* the information stored in the appliance.

Thus, the purported user interface in Yang is *static*. For example, referring to Fig. 3A of Yang, where a generic “VCR” icon 142 is shown. Had the actual VCR device in the network of Yang been replaced, for example, with a newer or different brand VCR, the icon “VCR” 142 would have remained the same.

The instant Office Action (page 10, line 13 – page 11, line 18; Applicant respectfully submits that it appears that herein the Examiner has “derived” the claimed invention based on a

combination of Yang, personal knowledge, and hindsight reconstruction, which is respectfully traversed) appears to support the fact the user interface of Yang is *static*, as the Examiner believes that “*without the storage device such as a cache or a memory, the system could not be able to generate the user interface based on the obtain information of the appliances*” (emphasis added). Indeed, the reconfiguration of the user interface in Yang is always associated with the downloading or accessing programming data or code stored in memory. Downloading or accessing from memory such data or code, even if performed automatically, is not dynamic because every single data or code needs to be *stored in the memory of the remote control*, and any action such as the reconfiguration of the user interface needs to go through this layer of memory. Such a process cannot be equivalent to generating “dynamically” the user interface as claimed.

As described above, the user interface in Yang is configured based on data *stored in the memory of the remote controller*. Thus, the user interface of Yang does *not* provide a direct *access to information in the device*. Rather, the device information in Yang needs to be downloaded to the memory, and the user interface *accesses the memory*, but *not* the individual device. In addition, the Examiner appears to agree that in Yang, the purported user interface obtains *all* the information from the devices, and stores exactly the *same* information in the memory.

Assuming *arguendo* that Yang provides a user interface, such a user interface only accesses *cached* information at most, and such cached information is often out of date as discussed above with respect to the generic “VCR” icon. By way of analogy, when a user surfs the internet, the user may encounter many defunct websites. However, the *cached* web pages of

the defunct websites can still be available for view. Such information obtained from the cached web pages, like the purported user interface of Yang, is static rather than dynamic. Further, the cached web pages are stored by the search engine at a location of the search engine provider, *not* at the defunct websites. Thus, the user is *not* accessing the information in the websites in their original locations despite of their deceiving looks.

To summarize, the claimed invention is distinctly different from Yang in at least (1) the claimed invention provides a “dynamically-generated” user interface and/or control page while the purported user interface of Yang is static; (2) the user interface of the claimed invention does not require all accessible information from the devices to generate the user interface, while the system of Yang requires that all information be downloaded beforehand; and (3) the user interface of the claimed invention provides a direct access to devices including information contained in the devices while the controller of Yang only accesses cached information stored in the memory of the controller itself. Thus, the rejection has been based on incorrectly interpreting the two-step process involving two sets of information of the claimed invention as the single-step process involving a single set of information in Yang.

In view of the above, Yang fails to disclose the claimed invention as recited in independent claims 1, 14, 27, and 41 of the present application. Thus, independent claims 1, 14, 27, and 41 of the present application are patentable over Yang for at least the reasons set forth above. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the rejection of claims 1, 6-14, 19-27 and 32-44 is respectfully requested.

Rejections under 35 U.S.C. 103

Claims 4, 5, 17, 18, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yang. For at least the following reasons, the rejection is respectfully traversed.

As discussed above, independent claims 1, 14, 27, and 41 of the present application are patentable over Yang. Thus, dependent claims 4, 5, 17, 18, 30 and 31 should be allowable for at least the same reasons.

With respect to the additional limitations in the dependent claims, the instant Office Action asserts that “it would have been obvious that using hyper-text link HTML technology to implement top page graphical user interface and applying HTML link to link a selected device icon to another HTML page...” This appears to be based on the Examiner’s personal knowledge. Accordingly, an affidavit under 37 CFR 1.104(d)(2) is respectfully requested.

Moreover, even if the system of Yang can be modified based on the Examiner’s personal knowledge (which Applicant traverses), the modified system of Yang would be a control device accessing its own memory for *cached* device information linked by the static, and possibly “defunct,” HTML links. Such HTML links are not dynamic, and do not directly link to the information contained in the application devices as required by the claimed invention.

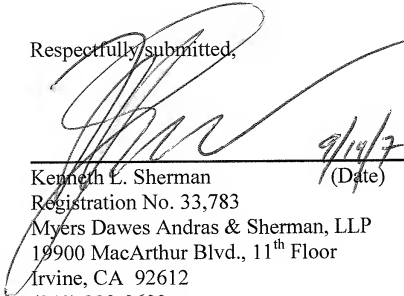
In view of the above, Yang fails to show or suggest the claimed invention as recited in claims 4, 5, 17, 18, 30 and 31 of the present application for at least the reasons set forth above. Thus, claims 4, 5, 17, 18, 30 and 31 are patentable over Yang. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

For these and other reasons, Applicants respectfully request that the rejections of the claims be withdrawn, and the claims be allowed for at least the aforementioned reasons. If it is believed that a telephone interview will help further the prosecution of this case, Applicants respectfully request that the undersigned attorney be contacted at the listed telephone number.

Please direct all correspondence to **Myers Dawes Andras & Sherman LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

Respectfully submitted,



9/14/7
(Date)

Kenneth L. Sherman
Registration No. 33,783
Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612
(949) 223-9600
(949) 223-9610 – Fax
Customer No.: 23386